

PB# 75-21

**Bernat & Eliezer
Weingarten**

Wengarten, Bernat & Eiezer 75-21
Simple Hill Motel

approved June 25th 1975
 given to T.C. office
 June 27th 1975
 9:10 AM

GENERAL RECEIPT

No 2439

Town of New Windsor, N. Y.

Received of Temple Hill Weingarten & Weingarten Motel June 27, 1975
One Hundred and 00/100 Alfredi \$100.00 Dollars
 For Site Plan — Planning Board

DISTRIBUTION:

FUND	CODE	AMOUNT
check # 463		
for		
\$100		

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

Town Clerk
 TITLE
 BY Julia M. Tuckman

Date June 25, 1975

Application No. 75-21

TOWN OF NEW WINDSOR PLANNING BOARD

APPLICATION FOR SITE APPROVAL

Name Weingarten & Weingarten (Alfidi) Temple Hill Motel

Address 5116 11 AVE Brooklyn NY 310 Windsor Highway

1. Owner of the property FRANK ALFIDI

2. Location of the property 310 Windsor Highway

3. Zone area Design Shopping

4. Nature of business Hotel for Senior Citizen

5. Lot size: Front _____ Rear _____ Depth _____

6. Building setbacks: Front yard _____ Rear yard _____

Side yards _____

7. Dimensions of new building attached site plan

Addition _____

If addition, state front, side, rear of existing structure:

Compliance with requirements shall be the sole responsibility of the applicant or his representative and it is suggested a copy of the Zoning Ordinance be obtained, with particular attention to Article X to avoid rejection of the plans.

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project. Fees are due and payable upon submission of preliminary plans. All checks are to be made payable to the Town of New Windsor. Seven (7) copies of the plans are required.

Planning Board
Approved June 25, 1975

Signature of applicant Frank Alfidi

ELI WEINGARTEN
194 RUTLEDGE STREET
BROOKLYN, NEW YORK 11211

212 388-7961 ^{CALL} AFTER 3PM

May 6, 1975

Zoning Board of Appeals
555 Union Avenue
New Windsor, New York

Gentlemen:

Our application for the property of 310 Windsor Highway to be converted to a Proprietary Home for adults was denied by Mr. Colletta and we wish to apply for a zoning variance.

Looking forward to your approval.

Sincerely yours,

Eli Weingarten

ELI WEINGARTEN

Temple Hill Hotel

MEMORANDUM

RECEIVED
JUN 6 1975

TO: Chairman--Town Planning Board
FROM: Town Attorney
DATE: June 4, 1975
SUBJECT: Temple Hill Motel

NEW WINDSOR PLANNING BOARD

As a matter of information, the Zoning Board of Appeals acted on Monday evening, June 2, 1975 to require the prospective purchaser of the Temple Hill Motel to obtain a use variance for a residential "apartment hotel." The use variance will be sought at the same time as the area variances are sought. The area variances were required by the Planning Board and the applicant was sent back to the Planning Board to obtain them.

cc Chairman--Zoning Board of Appeals

PRC

Sesame Estates continued.

Motion by Mr. Argenio seconded by Mr. Jones that the Planning Board of the Town of New Windsor give the sketch plans of Sesame Estates #73-36 located on Mt. Airy Road to the Town Engineer for his review. Vote- All ayes, Motion carried.

#10 on the Agenda:

Temple Hill Motel #75-21
(Weingarten)
Represented by Mr. Frank Alfidi and Mr.
Weingarten
located on Route 32

Mr. Weingarten showed plans of the hotel.
Vice Chairman Van Leeuwen: I have a memo here from the Town Attorney dated June 4, 1975 to the Planning Board -Subject- Temple Hill Motel (this is attached to the minutes)#~

Vice Chairman Van Leeuwen: Do you have enough parking spaces?

Mr. Alfidi: Yes.

Mr. Argenio: You had to get a variance from the ZBA.

Mr. Alfidi: Yes, we got it.

Vice Chairman Van Leeuwen: This is not a nursing home.

Mr. Weingarten: No it is not.

Mr. Spignardo: Do they have all the variances they needed?

Attorney Crotty: They received approval from the ZBA, on June 23rd, Monday. The letter will follow.

Motion by Mr. Spignardo seconded by Mr. Argenio that the Planning Board of the Town of New Windsor approve the site plan of the Temple Hill Hotel, previously known as Temple Hill Motel, located on Route 32.#75-21. Vote- Jones- nay, Cimorelli- aye, Spignardo- aye, Argenio- aye, Van Leeuwen- aye. Vote- 4-1 Motion carried. \$100.00 site plan fee- Fee paid.

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

RECEIVED
JUN 17 1975

NEW WINDSOR PLANNING BOARD
7 Franklin Avenue
New Windsor, N. Y.
June 14, 1975

Joseph Loscalzo, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE -
Alfidi/Weingarten

Dear Mr. Loscalzo:

Kindly be advised that one public hearing is
scheduled for Monday evening, June 23rd at 8 p.m. in
the above matter.

Also, I have enclosed herewith application for
a variance together with the public hearing notice which
appeared in the newspaper on June 14th.

Yours truly,

Patricia Delio

Patricia Delio, Secretary

/pd

Encs.

cc: Howard Collett, Bldg. Inspector

LAST PAGE
TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE
The Zoning Board of Appeals of the Town of New Windsor, New York will hold a public hearing pursuant to Section 49-52 A of the Zoning Ordinance on the following proposition:
Appeal No. 12 WINDSOR 1975-100
ALFIDI and ELI WEINGARTEN
for a Variance of the regulations of the Zoning Ordinance to permit multi-family (apartment) use in neighborhood commercial zone under rules of use regulations - Sec. 3.2 b) of the Zoning Ordinance, Section 5.8.11 and also Art. 90 - 5.8 of the Bldg. Regulations for property situated at lot 100, 101 and 102 Windsor Highway, Town of New Windsor, New York.
Said hearing will take place at 8 p.m. on Monday, June 23rd, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. 12550.
The hearing will be held at the Town Hall, New Windsor, N.Y. 12550.
By Patricia Delio, Secretary
June 14, 1975

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 11-75-15

Date: June 11, 1975

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Frank Alfedì
Eliezer Weingarten of 310 Windsor Highway
194 Rufflege Street
(Street & Number)
New Windsor, New York
Brooklyn, New York (State) HEREBY MAKE

APPLICATION FOR A VARIANCE:

- A. Location of the Property 310 Windsor Highway C
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) SEC. 8.2 USE & AREA VARIANCE
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
- Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: The exsististing motel sonsisting of 40 rooms each
room opening onto a central corridor meets requirements for a D.C.F.
(PROPRIETARY HOME FOR ADULTS) and offer special improvements
and facilities required for the specialized use
 - Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: The comntenplated use would serve
the community and, is only contemplated facility in the community
 - The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: No changes have been made and none will be made unless
approval is granted

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: on the

Contrary the public good will be served and enhanced - making
available a facility of demonstrated need.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: _____

Just in terms of the size, and adaptability, no other Motel

in the area would ~~affix~~ appear to meet or is interested in such a

Convention.

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

PLANS ATTACHED

- E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: 6/13/75

Frank Alfred Greer Hemgarter
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 13 day of June, 1975.

136 Prospect St - Newburgh
Address NY

NANCY E. McKEEGAN
Notary Public, State of New York
County of Orange
Commission Expires March 30, 1977
Notary Reg. No. 4503517

562-0256
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. _____
Date of Hearing _____
Date of Decision _____

Date Received _____
Notice Published _____

DECISION:

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the matter of the application

of

TEMPLE HILL MOTEL

for a Use Variance and Area Variances

DECISION GRANTING A
USE VARIANCE AND
AREA VARIANCES

WHEREAS, TEMPLE HILL MOTEL of Route 32, New Windsor, New York has made application for a variance from the provisions of the New Windsor Zoning Local Law, Section 5.8.11 and the nonresidential use tables with respect to side yard and rear yard area variances, under application number 75-15 of the New Windsor Zoning Board of Appeals for property located on Route 32 in Vails Gate, New York to permit the change in use from the present hotel/motel use to an apartment/hotel use for residents and to the exclusion of transients and further to permit the erection of a dining room where the present motel pool is located;and

WHEREAS, the Public Hearing on the application was held by the Zoning Board of Appeals at Town Hall, New Windsor, New York on the 23rd day of June, 1975 after due notice by publication in the EVENING NEWS and due notice to residents and businesses within five hundred (500') feet of the subject premises by certified mail;and

WHEREAS, at said hearing the petitioning corporation was represented by Frank Alfidi, Proprietor, as contract seller, and Mr. Weingarten, as contract purchaser;and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this matter.

(1) The TEMPLE HILL MOTEL presently has 40 rooms and all will be used for nontransient guests if the application is granted.

(2) The typical length of stay will range from two weeks to

several years.

(3) The operation will be funded in part by receipts from Orange County Social Services Department.

(4) Billing arrangements will not include contracts, leases nor acceptance of credit cards.

(5) The name of the TEMPLE HILL MOTEL will probably be changed to TEMPLE HILL MANOR.

(6) The signs presently outside the TEMPLE HILL MOTEL will be removed except for a new name sign.

(7) The dining room and all the facilities will be for the exclusive use of the apartment/hotel's guests and no transient visitors will be permitted. The seating capacity of the dining room will be 80 people.

(8) The apartment/hotel operation will be for profit and full taxes will be paid on the property to the Town of New Windsor and Orange County.

(9) The Orange County Department of Planning has denied the change of use by letter submitted in reply to a referral by the Zoning Board of Appeals, but their decision is not necessarily binding upon the Zoning Board of Appeals of the Town of New Windsor.

(10) The area variances if granted will enable the contract purchaser to fill in the pool at the rear of the premises and convert the pool into a dining room.

(11) The present owner and contract seller, Frank Alfidi, has explained to the Board the lengths to which he has gone to sell the motel as a conventional motel, including newspaper advertisements, and his extensive efforts to date have been unsuccessful and have caused great hardship to himself.

WHEREAS, the ZONING BOARD OF APPEALS makes the following determinations

of law in this application:

(1) With respect to the Use Variance to permit the operation of an apartment/hotel operation, (1) the land in question cannot yield a reasonable return if the variance is not granted; (2) the plight of the owner is due to unique circumstances which he did not create; (3) use sought to be authorized by the variance will not alter the essential character of the locality; (4) the use variance, if granted, will not violate the general spirit and intent of the Zoning Local Law of the Town of New Windsor.

(2) With respect to the area variance of 30 feet for side yard variance and 30 feet for rear yard variance, (1) the variances sought are not substantial in relation to the legally required setback requirement; (2) the effect of the variances if allowed would have no burdensome effect on the supporting governmental facilities available; (3) there will be no substantial change produced in the character of the neighborhood nor a substantial detriment to the adjoining properties if the variance is allowed; (4) there is no feasible method for the applicant to legally proceed to erect a dining room, which is essential to the contemplated use, other than through area variances; (5) there are no other factors or interests bearing on this matter.

NOW THEREFORE BE IT RESOLVED that the ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR HEREBY GRANTS a use variance to permit the TEMPLE HILL MOTEL to be used as an apartment/hotel for residents;and

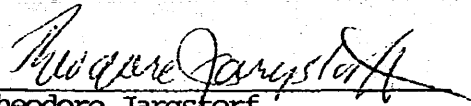
BE IT FURTHER RESOLVED that the ZONING BOARD OF APPEALS HEREBY GRANTS area variances of 30 feet side yard and 30 feet rear yard to erect a dining facility where the pool presently stands.

BE IT FURTHER RESOLVED that the Secretary of the ZONING BOARD OF APPEALS is directed to forward a copy of this Decision to FRANK ALFIDI, Proprietor of the TEMPLE HILL MOTEL, and the TOWN PLANNING BOARD OF THE TOWN

OF NEW WINDSOR AND THE TOWN CLERK OF THE TOWN OF NEW WINDSOR.

Dated:

New Windsor, New York


Theodore Jargstorf,
Chairman, Zoning Board of Appeals

TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

DATE May 1 1975

APPLICATION is hereby made for the following:

Agenda _____ Service _____

1. Name Bernat Weingarten and Eliezer Weingarten

Address 5116 11 Ave. Brooklyn N.Y.

Telephone number UL 3_-8615

Are you the owner of the property? going to contract

2. Briefly describe intention (or attach) and location of property:

310 Windsor Highway RT. 32
propose to convert existing building and to enlarge
same for use as a proprietary home for adults

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
_____ Variance (Notify P/B -plans if necessary)
_____ ☒ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed

_____ Z.B.A. action needed

~~_____~~ Site plan needed

_____ Subdivision approval needed

_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed:

Elmer Wenzel
(APPLICANT)